

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-2329

In re: MYKAL S. RYAN,

Petitioner.

On Petition for Writ of Mandamus.
(08-50805-FJS)

Submitted: July 26, 2012

Decided: August 1, 2012

Before MOTZ, DAVIS, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mykal S. Ryan, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mykal S. Ryan petitions for a "writ of Mandate" seeking an order from this court vacating the prefiling injunction entered against him by the bankruptcy court and referring the bankruptcy court judge to the United States Senate to begin impeachment proceedings. We conclude that Ryan is not entitled to mandamus relief.

Mandamus may not be used as substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Further, the relief sought by Ryan is not available by mandamus. Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

The relief sought by Ryan is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We deny Ryan's motion to refer the bankruptcy judge to the United States Senate and we dispense with oral argument because the facts and legal contentions are adequately presented

in the materials before the court and argument would not aid the decisional process.

PETITION DENIED